

REMARKS

A more descriptive Title has been provided. The claims have been amended, as proposed by the Examiner.

The Examiner objected to independent claims 45 and 67 of the application for lacking novelty in view of Andersson. The Examiner's reconsideration is requested. Applicants wish to point out that the same reference was cited in the (favorable) International Preliminary Examiner Report. The reference was also considered by the European Patent Office, and a European patent with claims substantially identical to claims 45 and 67 was granted last year with the number European Patent No. 1563649B.

Andersson discloses a protection system in which, when a fault is detected, all traffic affected by that fault is switched from a primary path onto a protection path. New primary paths are then computed and the traffic is switched from the protection path onto the new primary path. New protection paths are calculated.

The system of Andersson is fundamentally different from the claimed system. Andersson appears to be based on a conventional system in which every primary path has its own dedicated backup path. See Andersson, paragraphs [0043] ('the primary paths, and not the recovery paths, are used for forwarding packets during normal operation'), and [0055] (which suggests that new recovery paths should be calculated before the network is switched onto the new primary paths, to avoid a situation where the new primary paths are unprotected). This means that in Andersson 50% of the network capacity might be unused, and reserved for protection paths.

The present application provides a more efficient system, which avoids the need to provide a backup link for every worker link (applicants' specification, page 5). This is achieved by

providing a plurality of short protection paths, which carry non-worker data in the absence of a fault in the worker path, and which each only protect part of the worker path. If a fault is detected in the worker path, all the protection paths are activated. The location of the fault is determined later, and data is switched back onto the parts of the worker path which are not faulty, allowing the unused protection paths to be used to carry non-worker data again.

Andersson does not disclose or suggest one primary path having a plurality of protection paths, or that those protection paths might carry traffic when there is not a fault.

In addition, in Andersson, traffic is not switched back onto any part of the primary path. Following the detection of a failure, a new primary path is calculated while traffic is being temporarily carried by the protection path. See Andersson paragraph [0054]. Traffic is then switched onto that new primary path. Thus, Andersson does not disclose returning worker data to those parts of the worker path not affected by the fault. Andersson does not disclose returning traffic to the worker path at all.

The Examiner cites paragraph [0048] of Andersson as disclosing that feature. That paragraph states that only traffic on the path affected by the fault is switched onto the protection path, and other communications remain unaffected. However, communications that have not been switched onto a protection path cannot be *returned* to the primary path, as they have never left it. Likewise, protection paths cannot be deactivated if they were never activated in the first place.

As each primary path has its own protection path in Andersson, there is no motivation to provide a way of switching traffic back onto the primary path in the event of a fault. Traffic simply continues along the protection path until a new primary path is calculated. Andersson does not appreciate that it might be desirable to switch traffic back onto the worker path, and even if it

did, as only a single protection path is provided, doing so would not be possible without traffic being affected by the fault.

It is submitted that claims 45 and 67, and the claims depending from those claims, are both novel and inventive in view of the cited art.

Petition is hereby made for a one-month extension of the period to respond to the outstanding Official Action to October 21, 2007. A check in the amount of \$120.00, as the Petition fee, is enclosed herewith. If there are any additional charges, or any overpayment, in connection with the filing of the amendment, the Commissioner is hereby authorized to charge any such deficiency, or credit any such overpayment, to Deposit Account No. 11-1145.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

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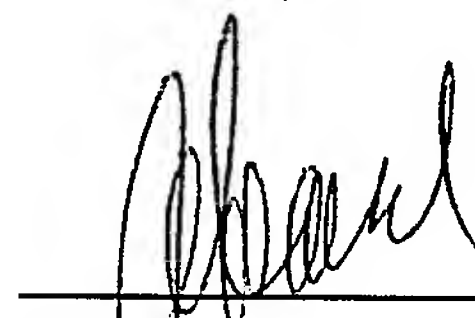
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